

**TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE**



FISCAL MEMORANDUM

SB 291 – HB 387

March 11, 2009

SUMMARY OF AMENDMENT (004902): Removes section of original bill concerning law enforcement officers administering blood-alcohol tests to drivers who request such tests after the officer has observed an open alcoholic beverage container in a motor vehicle that is not in the immediate possession of any passenger. Replaces language of the original bill that identifies specific actions that are not considered offenses or violations.

FISCAL IMPACT OF ORIGINAL BILL:

Increase State Revenue – \$30,600
Increase State Expenditures – Not Significant

Increase Local Revenue – \$1,600
Increase Local Expenditures – Not Significant

FISCAL IMPACT OF BILL WITH PROPOSED AMENDMENT:

Increase State Revenue – \$30,600
Increase State Expenditures – Not Significant

Increase Local Revenue – \$1,600
Increase Local Expenditures – Not Significant

Other Fiscal Impact – A shift of use for approximately \$16,000,000 of federal funds from certain transportation safety programs to highway construction programs.

Assumptions applied to amendment:

- This amendment will not change the increase to state or local government revenue, or change the extent of state or local government expenditures, as determined for the original bill. However, it does allow for a change of use of certain federal funds.

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- According to the Department of Transportation (TDOT), the bill as amended would bring the state into compliance with federal open container requirements as specified in 23 CFR Part 1270.4.
- According to TDOT, by becoming compliant with these federal requirements, approximately \$16,000,000 of currently-received federal funds will shift from being used for certain transportation safety programs (administered by TDOT) to being used for highway construction programs (also administered by TDOT).
- According to TDOT, the types of programs that will experience a reduction of federal funds are programs for alcohol countermeasures, occupant protection, police traffic services, emergency medical services, traffic records, motorcycle safety, pedestrian and bicycle safety, non-construction aspects of roadway safety, speed control, etc.
- The programs that will experience an increase of federal funds are the National Highway System Program, the Surface Transportation Program, and the Interstate Maintenance Program.

CERTIFICATION:

This is to duly certify that the information contained herein is true and correct to the best of my knowledge.

A handwritten signature in black ink, reading "James W. White". The signature is fluid and cursive, with the first name "James" and last name "White" clearly legible.

James W. White, Executive Director

/rnc